



*Commonwealth of Virginia*

*VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY*

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**STATE WATER CONTROL BOARD  
ENFORCEMENT ACTION –  
AMENDMENT TO ORDER BY CONSENT  
ISSUED TO  
TOWN OF EDINBURG  
FOR  
EDINBURG STP  
Permit No.: VA0020508**

**SECTION A: Purpose**

This is an Amendment of an Order by Consent (Amendment) issued under the authority of Va. Code §§ 62.1-44.15 between the State Water Control Board (Board) and the Town of Edinburg, regarding the Edinburg STP for the purpose of revising certain provisions of the Order by Consent (Order) issued by the Board to the Town of Edinburg on July 31, 2017.

**SECTION B: Basis for Amendment**

1. Edinburg owns the Plant in Edinburg, Virginia. The Permit allows Edinburg to discharge treated sewage and other municipal wastes from the Plant to the Stony Creek in compliance with the terms and conditions of the Permit.
2. The Board entered into the Order with Edinburg effective July 31, 2017 for upgrades to the Plant to address repeated effluent limitation violations. The Order required Edinburg to complete an analysis of the Facility's design and operation

- issues and submit to DEQ, by September 1, 2017, a Preliminary Engineering Report (PER) of rehabilitation and/or replacement/corrective actions to ensure that the Plant can consistently comply with effluent limitations, and submit quarterly progress reports.
3. On October 2, 2017, consulting engineering firm Pennoni submitted, on behalf of Edinburg, a Preliminary Engineering Report to DEQ. The PER considered two options: (1) to build a new facility to meet permit effluent limitations; and (2) construction of a new high service pumping station and divert the Edinburg wastewater to North Fork Regional Treatment Plant.
  4. On October 25, 2017, Edinburg reported significant equipment failures concerning the rotating biological contactor (RBC) unit causing the unit to be shut down. An idle secondary clarifier was brought back online. Due to the equipment malfunctions, Edinburg began to pursue the wastewater diversion alternative as identified in the October 2, 2017 PER.
  5. On January 10, 2018, the Operator submitted the Permit-required DMR for December 2017, which indicated exceedances of the BOD<sub>5</sub> effluent limitations for concentration average (reported 33 mg/L; requirement 30 mg/L) and maximum (reported 49 mg/L; requirement 45 mg/L) for that reporting month. The annual DMR for 2017, due on January 10, 2018, was not received.
  6. On February 1, 2018, Edinburg presented the wastewater diversion alternative to the Shenandoah County Board of Supervisors.
  7. On February 2, 2018, Edinburg submitted the Pretreatment Annual Report, which was due on January 31, 2018.
  8. On February 10, 2018, the Operator submitted the DMR for January 2018 which indicated exceedances of the BOD<sub>5</sub> effluent limitation for concentration average (reported 32 mg/L; requirement 30 mg/L) and TSS effluent limitation for concentration average (reported 37 mg/L; requirement 30 mg/L) for that reporting month.
  9. On February 16, 2018, DEQ issued Warning Letter No. W2018-02-V-1010 to Edinburg for failing to submit the annual DMR for 2017 and for BOD<sub>5</sub> monitoring frequency issues in the December 2017 DMR.
  10. On March 1, 2018, Edinburg submitted the WET Chronic Test report, which was due on January 10, 2018.
  11. On March 9, 2018, the Operator submitted the DMR for February 2018, which indicated exceedances of the BOD<sub>5</sub> effluent limitations for concentration average (reported 32 mg/L; requirement 30 mg/L), concentration maximum (reported 53

mg/L; requirement 45 mg/L) and quantity maximum (reported 33 kg/d; requirement 30 kg/d) for that reporting month.

12. On March 24, 2018, Edinburg reported a sanitary sewer overflow discharge from manhole A-10 of approximately 150-200 gallons into Stony Creek.
13. On May 7, 2018, the Operator submitted the DMR for April 2018 which indicated exceedances of the BOD<sub>5</sub> effluent limitations for concentration average (reported 53 mg/L; requirement 30 mg/L), concentration maximum (reported 65 mg/L; requirement 45 mg/L), quantity average (reported 24 kg/d; requirement 20 kg/d), and quantity maximum (reported 33 kg/d; requirement 30 kg/d) for that reporting month.
14. On August 21, 2018, Edinburg and Shenandoah County representatives met to develop a framework for financing, implementing, and operating the proposed wastewater facilities.
15. On October 10, 2018, the Operator submitted the DMR for September 2018, which indicated an exceedance of the E.coli effluent limitation for concentration average (reported 576 N/100 mL; requirement 126 N/100 mL) for that reporting month.
16. In November 2018, Shenandoah County presented a financial proposal to Edinburg for the wastewater diversion alternative. An analysis by Edinburg's consultant determined the WWTP Upgrade alternative to be more economical. Edinburg Town Council voted to pursue the WWTP Upgrade alternative.
17. Between December 10, 2018 and March 10, 2019, the Operator submitted DMRs which indicated exceedances for E.coli effluent limitations for concentration average (requirement 126 N/100 mL) for November 2018 (reported 2420 N/100 mL), December 2018 (reported 2420 N/100 mL), January 2019 (reported >2420 N/100 mL) and February 2019 (reported >256 N/100 mL).
18. On February 4, 2019, Edinburg submitted the Pretreatment Annual Report, which was due on January 31, 2019.
19. On February 13, 2019, Edinburg submitted the quarterly progress report, as required by the Order, which was due on January 10, 2019.
20. On May 8, 2019, the Operator submitted the DMR for April 2019, which indicated exceedances of the BOD<sub>5</sub> effluent limitations for concentration maximum (reported 58 mg/L; requirement 45 mg/L) and quantity maximum (reported 35 kg/d; requirement 30 kg/d) and an inability to demonstrate compliance for E.coli effluent limitation for that reporting month.
21. On May 9, 2019, Edinburg submitted a PER for the WWTP Upgrade alternative.

22. On July 8, 2019, the Operator submitted the DMR for June 2019 which indicated an exceedance of the Chlorine effluent limitation for concentration minimum (reported 0.33 mg/L; requirement 0.6 mg/L) for that reporting month.
23. On August 10, 2019, the Operator submitted the DMR for July 2019 which indicated exceedances of the concentration maximum for BOD<sub>5</sub> and concentration minimum for Chlorine effluent limitations for that reporting month.
24. On August 19, 2019, DEQ issued Notice of Violation (NOV) No. W2019-08-V-0001 to Edinburg for effluent limitation exceedances between January and June 2019.
25. On August 26, 2019, DEQ staff met with Edinburg representatives to discuss the status of the 2017 Consent Order and to detail the plan moving forward. Edinburg indicated that they would provide an updated schedule to be included in a Consent Order amendment.
26. On January 16, 2020, Pennoni, on behalf of Edinburg, submitted a revised PER to DEQ and USDA.
27. On February 4, 2020, Edinburg submitted the WET Chronic Test report, which was due on January 10, 2020.
28. On March 31, 2020, Pennoni, on behalf of Edinburg, submitted a revised PER to DEQ and USDA to address comments from USDA on the funding application. The PER included an updated schedule for inclusion in the Consent Order amendment.
29. On April 10, 2020, the Operator, on behalf of Edinburg, submitted the quarterly progress report. The progress report indicated that Pennoni is continuing to work with USDA to complete its application for funding assistance.
30. On June 25, 2020, USDA reported that they have a complete funding application for Edinburg.
31. On July 27, 2020, Edinburg received final PER approval and secured grant and loan financing from USDA.
32. Va. Code § 62.1-44.5 states: “[E]xcept in compliance with a certificate issued by the Board, it shall be unlawful for any person to discharge into state waters sewage, industrial wastes, other wastes, or any noxious or deleterious substances.”
33. The Regulation, at 9 VAC 25-31-50, also states that except in compliance with a VPDES permit, or another permit issued by the Board, it is unlawful to discharge into state waters sewage, industrial wastes or other wastes.

34. Permit Part I.A.1 establishes minimum and maximum numeric discharge limitations for specified effluent characteristics.
35. Permit Part I.D.1.b states: "The permittee's pretreatment program has been approved. The program is an enforceable part of this permit. The permittee shall: Submit to DEQ-Valley Regional Office, an annual report that describes the permittee's program activities over the previous year. The annual report shall be submitted no later than January 31st of each year..."
36. Permit Part I.E.6 states: "The permittee shall submit a written report for the toxicity tests specified in Part I.E.1 in accordance with the following schedule..." The first annual report for the testing period January 1 – December 31, 2017 was due no later than January 10, 2018.
37. Permit Part II.F. 1 states: "Except in compliance with this permit, or another permit issued by the Board, it shall be unlawful for any person to discharge into state waters sewage, industrial wastes, other wastes, or any noxious or deleterious substances."
38. Consent Order Appendix A, Item 2 states: "Edinburg shall submit quarterly progress reports to DEQ, with the first report being due October 10, 2017. Subsequent Progress Reports will be due by January 10, April 10, July 10, and October 10, along with the Facility's Discharge Monitoring Report until the cancellation of this Order."
39. Based on the DMRs submitted for December 2017, January 2018, February 2018, April 2018, September 2018, December 2018, January 2019, February 2019, March 2019, April 2019, June 2019, July 2019, and submittals received on February 2, 2018, March 1, 2018, March 24, 2018, February 4, 2019, and February 13, 2019, the Board concludes that Edinburg has violated Va. Code § 62.1-44.5, 9 VAC 25-31-50, and the Permit, by discharging sewage and municipal wastes from the Facility and by discharging untreated or partially treated sewage from the Facility, while concurrently failing to comply with the conditions of the Permit, as described in Section C above.
40. Based on the information available to DEQ to date, Edinburg is otherwise in compliance with the Order and is current with all monitoring and reporting requirements.

### **SECTION C: Agreement and Order**

Accordingly, by virtue of the authority granted it in Va. Code §§ 62.1-44.15, the Board orders Edinburg, and Edinburg agrees to:

1. Perform the actions described in Appendix A of this Amendment, which supersedes and cancels only Appendix A of the Order. Both the Board and Edinburg understand and agree that this Amendment does not alter, modify or amend any other provision of the Order and that the unmodified provisions of the Order remain in effect by their own terms.

And it is so ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Amy T. Owens, Regional Director  
Department of Environmental Quality

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Town of Edinburg voluntarily agrees to the issuance of this Amendment.

Date: SEPT, 1, 2020 By: [Signature], MAYOR  
(Person) (Title)  
Town of Edinburg

Commonwealth of Virginia

City/County of Shenandoah

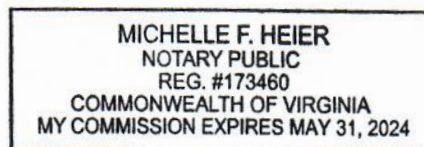
The foregoing document was signed and acknowledged before me this 1st day of September, 2020, by Daniel J. Harshman who is Mayor of Town of Edinburg on behalf of the Town of Edinburg.

[Signature]  
Notary Public

173460  
Registration No.

My commission expires: 5-31-2024

Notary seal:



## **APPENDIX A SCHEDULE OF COMPLIANCE**

### **Plant Upgrades:**

Edinburg shall upgrade the Plant to a capacity of at least 0.175 MGD, in accordance with the following schedule:

1. Submit final design by **June 30, 2021**;
2. Submit application and receive Certificate to Construct (CTC) by **September 30, 2021**;
3. Award contract for construction by **January 31, 2022**;
4. Substantially complete construction and make application for the Certificate to Operate (CTO) by **June 30, 2023**;
5. Complete construction, obtain a CTO, and commission/start-up upgraded Plant by **September 30, 2023**.

### **General Requirements:**

6. Edinburg shall submit quarterly reports to DEQ, with the first report being due October 10, 2020. Subsequent quarterly progress reports will be due January 10, April 10, and July 10, along with the Plant's DMR until cancellation of this Amendment. The quarterly progress reports shall contain:
  - a. A summary of all work completed since the previous quarterly progress report in accordance with this order;
  - b. A project of the work to be completed in the upcoming quarterly period in compliance with this Amendment; and
  - c. A statement regarding any anticipated problems in complying with this Amendment.
7. No later than 14 days following a date identified in the above schedule of compliance, Edinburg shall submit to DEQ's Valley Regional Office a written notice of compliance or noncompliance with the scheduled item. In the case of noncompliance, the notice shall include the cause of the noncompliance, any remedial actions taken, and the probability of meeting the next scheduled item.

**DEQ Contact:**

Unless otherwise specified in this Amendment, Edinburg shall submit all requirements of Appendix A of this Amendment to:

Eric Millard  
Enforcement Specialist Senior  
VA DEQ, Valley Regional Office  
PO Box 3000, Harrisonburg, VA 22801  
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